



Attorney Docket Number: 062108-9085
First Named Inventor: David R. Zittel
Application Number: 10/791,695
Filing Date: March 2, 2004
Art Unit: 1761
Examiner: Timothy F. Simone

**THIRD SUPPLEMENTAL DECLARATION BY THE ASSIGNEE FOR REISSUE
PATENT APPLICATION TO CORRECT "ERRORS" STATEMENT (37 CFR 1.175)**

I hereby declare that:

The residence, mailing address and citizenship of the inventors are stated below.

I am authorized to act on behalf of the following assignee: Lyco Manufacturing, Inc. and the title of my position with said assignee is: Chairman of the Board.

The entire title to the patent identified below is vested in said assignee.

Title of Invention: Rotary Blancher for Processing Food Product
Patent Number: 6,234,066
Date of Patent Issued: May 22, 2001

Inventors:

David R. Zittel	155 Oak Grove Drive, Columbus, WI 53925	US Citizen
Steven W. Hughes	N8449 Coventry Lane, Beaver Dam, WI 53916	US Citizen
Daniel D. Maupin	6445 NE Pettibone Drive, Corvallis, OR 97330	US Citizen

I believe said inventors to be the original and first inventors of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled: Rotary Blancher for Processing Food Product, the specification of which was filed on March 2, 2004 as reissue application number 10/791,695, was amended on March 7, 2005, and is amended herewith.

I verily believe the original patent to be wholly or partly inoperative or invalid by reason of the patentee claiming more or less than he had the right to claim in the patent.

At least one error upon which reissue is based is described as follows:

It is believed that the scope of the broadest independent claim is too broad in view of the prior art, it is believed that certain further features could have and should have been claimed in both independent and dependent form to better clarify the scope of the invention and further distinguish the invention from the prior art. These errors were discovered during a review of the patent in light of potential litigation.

One error being relied upon as a basis for reissue is the word "orifice" which rendered claim 1 too broad in view of the prior art and it is believed that certain further features could have and should have been claimed as done so in amended claim 1.

All errors which are being corrected in the present reissue application up to time of signing of this oath/declaration arose without any deceptive intention on the part of the applicant.

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration submitted in this application arose without any deceptive intention on the part of the applicant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



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May 5, 2009
Date